

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DEBBIE LENNOX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:04-CV-257
	)	(Phillips/Guyton)
RICHARD GIAMMARINO, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 42] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of Defendant City of Oak Ridge's Motion to Compel and/or Dismiss [Doc. 39].

The defendant City of Oak Ridge moves the Court for an order compelling the plaintiffs to respond to defendant's First Set of Interrogatories and Request for Production, which were served on the plaintiffs on November 19, 2004. The defendant further requests that the plaintiffs' action be dismissed if responses are not served within 15 days of the entry of an order compelling production. [Doc. 39].

The plaintiffs failed to file a response to the defendant's motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2. Accordingly, for good cause shown, Defendant's Motion to Compel and/or Dismiss [Doc. 39] is **GRANTED**. The plaintiffs are

**DIRECTED** to respond to the defendant City of Oak Ridge's First Set of Interrogatories and Request for Production within fifteen (15) days of the entry of this Order.

The defendant's request for dismissal [Doc. 39] is **DENIED** at this time. However, the defendant shall have leave to renew their request in the future. The plaintiffs are hereby put on notice that failure to cooperate in discovery and to follow the Orders of this Court may result in monetary sanctions and possibly the dismissal of their action. See Fed. R. Civ. P. 37(b)(2)(C).

**IT IS SO ORDERED.**

**ENTER:**

s/ H. Bruce Guyton  
United States Magistrate Judge